IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4516 OF 2004

Mr. T.P. Paul and others ... Applicants

versus

State of Maharashtra ... Respondent

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Mr. Shirish Gupte, with Mr. Subodh Desai, for the Applicants.

Mr. V.B. Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

4th November 2004

P.C.:

. Heard Counsel for the parties. Perused the record. After going through the relevant documents, which are placed on record and pressed into service by both sides, I am more than convinced that the complaint in question filed against the Applicants herein is counter-blast to the complaint filed by the Applicants' Company against the Complainant in the present case.

During the pendency of this application, the Applicants were required to co-operate with the investigation of the case. In response to directions given by this Court, the Applicants have produced all the documents as and when called upon by the investigating officer. I have no hesitation in observing that the allegation in the complaint as filed is founded on documentary evidence. Relevant documents have already been furnished to the investigating officer, which consists of about 150 documents, running into more than about 300 pages, including the relevant accounts of the Applicants' company. Inspite of furnishing all the information, further affidavit has been filed by the concerned Inspector before this Court complaining that the Applicants are not extending co-operation for the investigation. The grievance seems to be that three documents referred to in letter dated 2nd November 2004 at page 87 have not been furnished. There is no substance in this objection taken on behalf of the Respondent. Insofar as Item No. 1 in the said letter is concerned, there is no dispute that the Applicants' Company has been awarded contract by the M.S.R.D.C. Even the status of the complainant is accepted as sub-contractor

engaged by the Simplex Concrete Files India Limited. Insofar as document at No. 3 is concerned, the letter of the Solicitors is already made over to the investigating officer, which is at page 77 of the compilation made over to the investigating officer. Insofar as item No. 2 of the said letter is concerned, information has been furnished, which can be discerned from page 76 of the compilation made over to the investigating officer. I have no hesitation in observing that custodial interrogation of the Applicants is not necessary, especially when the entire case is founded on documentary evidence. Moreover, the present complaint appears to be counter-blast of the complaint filed against the complainant in the present complaint. Besides, it is interesting to note that in the present complaint, all the Directors of the Company have been named as accused, without reference to the fact as to the nature of their involvement in the commission of offence. Taking overall view of the matter, to my mind, this is a fit case for grant of anticipatory bail on the following terms and conditions.

(a) The Applicants are enlarged on anticipatory bail in connection with CR. No. 54/2004 registered with Shirodi MIDC Police Station, Kolhapur, on executing personal bond in the sum of Rs.50,000/- (Rupees Fifth thousand only) each with two local sureties in the like amount.

(b) The Applicants shall extend necessary co-operation to the investigating officer as and when called upon.

(c) The Applicants shall not tamper the prosecution evidence nor shall influence the prosecution witnesses in anmy manner whatsoever.

(d) It will be open to the investigating officer to insist for attendance of the persons in charge of day to day affairs of the Company stationed at Kolhapur and Mumbai as and when required.

. Application disposed of on the above terms.

. Parties to act on the authenticated copy of this order.